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APR 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

812-0474

April 20, 1998

BY HAND DELIVERY

Magalie Roman Salas

Secretary

Federal Communications Commission

1919 M Street, N.W., Room 222

Washington, DC 20554

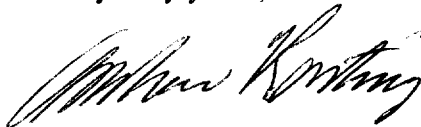
Re: Advanced Television Systems and Their Impact
Upon the Existing Television Broadcast Service
MM Docket No. 87-268

Dear Ms. Salas:

Transmitted herewith on behalf of Fant Broadcast Development, L.L.C., are an original and four copies of its "Petition for Reconsideration," which is being filed in response to the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting

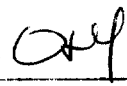
Counsel for

Fant Broadcast Development, L.L.C.

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the Existing) MM Docket No. 87-268
Television Broadcast Service)

To: The Commission

PETITION FOR RECONSIDERATION

Fant Broadcast Development, L.L.C. ("Fant"), by its counsel, hereby seeks reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998) ("MO&O"), in the above-captioned proceeding. In support of this petition, the following is stated:

I. Background.

On July 23, 1996, Fant filed a petition for rulemaking requesting the Commission to allot Channel 49 to New Albany, Indiana, as that community's first local television service.¹ On the same date, Fant filed an accompanying application for a new television station to operate on Channel 49 at New Albany, Indiana.²

¹ Fant's rulemaking petition was dismissed by the Chief, Allocations Branch, by letter dated November 4, 1996, because the reference coordinates of New Albany are short-spaced to the licensed transmitter sites of Stations WDRB-TV, Channel 41, Louisville, Kentucky, and WIPB(TV), Channel 49, Muncie, Indiana. Fant filed a petition for reconsideration on December 4, 1996, which currently remains pending.

² Fant's rulemaking petition and accompanying application included a request for waiver of the Commission's order in *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, RM-5811, 1987 FCC LEXIS 3477 (July 17, 1987), 52 Fed.Reg.

(continued...)

In its *Sixth Report and Order* in this proceeding, 12 FCC Rcd 14988 (1997), the Commission noted that, in its *Sixth Further Notice of Proposed Rulemaking*, it stated that it would not accept additional applications for new NTSC stations that were filed after September 20, 1996.³ The Commission also noted, however, that it would continue to process applications already on file and those that were filed on or before September 20, 1996, because the Commission did not believe that these applications would have a “significant negative impact” on the development of the DTV Table of Allotments. *Sixth Report and Order*, 12 FCC Rcd at 14635, ¶104. The Commission further noted that it also stated in its *Sixth Further Notice* that it would continue to accept petitions for rulemaking proposing to amend the existing TV Table of Allotments in Section 73.606(b) of the rules through July 25, 1996. *Id.* at ¶105. Any petitions that were on file and any rulemaking proceedings that were pending on that date would be addressed on a case-by-case basis, taking into account their impact on the DTV Table.⁴ *Id.*

II. The MO&O Failed to Protect Fant’s Pending NTSC Rulemaking Petition and Accompanying Application.

In its recent *MO&O*, the Commission repeatedly confirmed that it fully intended to protect pending NTSC applications filed by the September 20, 1996, deadline. *See, e.g., MO&O* at ¶¶571,

²(...continued)
28346 (1987) (“Freeze Order”).

³ *See Sixth Further Notice of Proposed Rulemaking*, 11 FCC Rcd 10968, 10992 ¶60 (1996) (“*Sixth Further Notice*”). Specifically, the Commission stated that it would not accept additional applications for NTSC stations that were filed after 30 days from the publication of the *Sixth Further Notice* in the Federal Register. A summary of the *Sixth Further Notice* was published in the Federal Register on August 21, 1996. *See* 61 Fed.Reg. 43209 (1996).

⁴ The Commission also stated that, in those pending cases in which a new NTSC channel is allotted, it would make an exception to its September 20, 1996, deadline and accept applications for the new stations. *Sixth Report and Order*, ¶105.

575, 608, 627. Nevertheless, the DTV Table set forth in the *MO&O* fails to protect Fant's pending rulemaking petition seeking the allotment of NTSC Channel 49 at New Albany, Indiana, as well as Fant's pending application for that facility. As stated above, Fant's rulemaking petition and accompanying application for the Channel 49 facility at New Albany were on file with the Commission prior to the respective July 25 and September 20, 1996, filing deadlines.

In its *Sixth Further Notice*, the Commission noted that there were more than 300 applications then on file which, if processed, would result in more than 100 new NTSC stations. *Sixth Further Notice*, 11 FCC Rcd at 10992, ¶60. The Commission further stated:

As we process the applications on file now and those that are filed before the end of this filing opportunity, we will continue our current policy of considering requests for waiver of our 1987 freeze Order on a case-by-case basis.

Id. (emphasis added).⁵ The Commission provided no notice, however, that, with respect to these pending applications for new television stations, it had no intention of acting on requests for waiver of the 1987 Freeze Order, but, instead, was merely going to treat applications containing such a waiver request as if they had never been filed.⁶ The Commission also failed to provide any notice that an application would be considered to be "pending" only if it had been formally "accepted for filing," or if the application did not include a request for waiver of the 1987 Freeze Order. Indeed, rather than "considering requests for waiver of the 1987 Freeze Order on a case-by-case basis," as the Commission stated it would in its *Sixth Further Notice* (and as the Commission claimed to have

⁵ The Commission reiterated this statement in its *Sixth Report and Order* at ¶104.

⁶ After conducting a comprehensive review of the FCC's engineering database with respect to those television applications that were filed either on or shortly before the September 20, 1996, filing deadline, and the cut-off lists that have been issued since the release of the *Sixth Further Notice*, Fant has been unable to find even one instance where the Commission processed such an application and "considered" a request for waiver of the 1987 Freeze Order.

done in its *Sixth Report and Order*), the Commission simply disregarded all applications that contained a request for waiver of the 1987 Freeze Order in establishing the DTV Table, and treated such applications as if they had never been filed.⁷

The Commission's failure to protect the proposed allotment of Channel 49 at New Albany and Fant's pending application for that facility is inconsistent with the statements the Commission made in its *Sixth Further Notice* and *Sixth Report and Order*, and the Commission neglected to provide any explanation for its failure to consider Fant's pending proposals in establishing the DTV Table. Therefore, for this reason alone, the DTV Table contained in the *MO&O* should be revised to accommodate the proposed NTSC allotment of Channel 49 at New Albany, Indiana, and Fant's pending application for that facility.

III. The Commission Should Substitute DTV Channel 50 for the Existing DTV Channel 49 Allotment at Louisville, Kentucky.

In this case, the proposed NTSC allotment of Channel 49 at New Albany, Indiana, is short-spaced to a co-channel DTV allotment for Station WDRB-TV, Louisville, Kentucky. Assuming, *arguendo*, the Commission should determine that its failure to consider Fant's pending rulemaking petition and accompanying application for a Channel 49 NTSC facility at New Albany does not constitute a sufficient basis, in itself, for granting reconsideration of the co-channel DTV allotment of Channel 49 at Louisville, the Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments. In order to accommodate Fant's

⁷ The Commission repeatedly stated throughout its *MO&O* that applications containing such waivers had not been accepted, no action had been taken on the waiver request, and that the subject channel was used for DTV purposes. *See, e.g., MO&O* at ¶¶608, 627; *see also* ¶575.

pending rulemaking petition proposing the NTSC allotment of Channel 49 at New Albany, Fant respectfully requests that the Commission change the DTV allotment for Station WDRB-TV, Louisville, from Channel 49 to Channel 50. As demonstrated in the attached engineering materials, the substitution of DTV Channel 50 would result in Station WDRB-TV receiving a 99.7% replication match, and would cause only negligible interference (less than 0.02%) to any digital or NTSC stations. Moreover, the proposed substitution of DTV Channel 50 for the existing Channel 49 allotment at Louisville would effectuate the Commission's pronouncements in its *Sixth Further Notice* and *Sixth Report and Order* that it would protect those pending NTSC rulemaking petitions and applications that were filed before July 25 and September 20, 1996, respectively.

IV. The Proposal Set Forth Herein Would Provide Substantial Public Interest Benefits.

The substitution of DTV Channel 50 for Channel 49 at Louisville would provide the community of New Albany with its first local television service, which would promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various states and communities. 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment would promote the second television allotment priority established in the *Sixth Report and Order* in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station.

Furthermore, the substitution of DTV Channel 50 at Louisville would serve the public interest by promoting the emergence and development of new networks.⁸ As far back as 1941, when the Commission adopted its Chain Broadcasting Rules,⁹ a primary goal of the Commission was to remove barriers that would inhibit the development of new networks. The Commission explained that the Chain Broadcasting Rules were intended to “foster and strengthen broadcasting by opening up the field to competition. An open door to networks will stimulate the old and encourage the new.” *Report on Chain Broadcasting* at 88.

The successful emergence of new networks, however, depends in large part upon their ability to attract and retain local affiliates, which is the life blood of any national network. Moreover, for emerging networks, it is critical that they be afforded the opportunity to compete for affiliates as

⁸ Fant’s application for the New Albany facility was filed in tandem with a series of other applications which, together, cover many of the top 100 markets in which there are no full power television stations to primarily affiliate with The WB Television Network (“The WB”), with whom these respective applicants have existing affiliations. Although there is no commitment on the part of either the applicants or The WB to enter into an affiliation agreement, The WB has indicated a willingness to enter into an affiliation agreement with these applicants in the event they are successful in acquiring a station in their respective communities. It should be made clear, however, that the public interest benefit of promoting an emerging network will be achieved regardless of which applicant ultimately acquires the construction permit. The important element is that the NTSC allotment be preserved and that the station become operational and available for affiliation. By the same token, the public interest benefit of promoting emerging networks is served regardless of whether it is The WB or some other new network that gains a primary affiliate in a top 100 market.

⁹ See *Report on Chain Broadcasting*, Commission Order No. 37, Docket 4960 (May 1941) at 88 (“*Report on Chain Broadcasting*”); *Amendment of Part 73 of the Commission’s Rules and Regulations with Respect to Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d 318, 333 (1970); *Fox Broadcasting Co. Request for Temporary Waiver of Certain Provisions of 47 C.F.R. §73.658*, 5 FCC Rcd 3211, 3211 n.9 (1990), (citing, Network Inquiry Special Staff, *New Television Networks: Entry, Jurisdiction, Ownership, and Regulation* (Vol. 1 Oct. 1980)), waiver extended, 6 FCC Rcd 2622 (1991).

quickly as possible. Indeed, the large financial losses that confront any national network in its initial years of operation can be stemmed only by obtaining additional affiliates to carry the emerging network's programming. In many markets, however, there simply are not enough stations to provide affiliates for emerging networks in addition to those of the more established networks. Thus, the Commission should make the requested change in the DTV Table which, by permitting an additional broadcast station to serve the Louisville, Kentucky television market, will help promote emerging networks.

Although the Commission has noted that it is not its function to assure competitive equality in any given market, it has acknowledged its "duty at least to take such actions as will create greater opportunities for more effective competition among the networks in major markets."¹⁰ The history of the Commission's financial interest and syndication ("finsyn") rules provides a good illustration of how the Commission has remained steadfast in its commitment to the goal of nurturing new networks. In 1970, when the Commission first adopted the finsyn rule, it noted that "[e]ncouragement of the development of additional networks to supplement or compete with existing networks is a desirable object and has long been the policy of this Commission." *Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d at 333. More than two decades later, when the Commission first relaxed and later eliminated the finsyn rule, it did so at the behest of the

¹⁰ See, e.g., *Television Broadcasters, Inc.*, 4 RR 2d 119, 123 (1965) (Commission granted a short-spacing waiver to an ABC affiliate based largely upon its finding that the station had inferior facilities compared to those available to other national networks in the market, which resulted in a "serious competitive imbalance"), *recon. granted in part on other grounds*, 5 RR 2d 155 (1965); *New Orleans Television Corp.*, 23 RR 1113 (1962) (short-spacing waiver granted for the purpose of assuring the existence of a third truly competitive station in the market, thereby making available competitive facilities to the networks).

then-newest network entrant, Fox.¹¹ The FCC's goal of fostering new networks also is reflected in the Commission's relaxation of its multiple ownership rules. *See Amendment of Section 73.3555 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations*, 100 FCC 2d 17, 49 (1984) (relaxing restrictions on multiple ownership advances the Commission's diversity goal by providing alternatives to the three television networks).

The Commission also has crafted other rules and granted a variety of waivers designed to foster the development of new networks over the years. In 1967, for example, the Commission granted a waiver of the dual network rule to ABC, the then-new network entrant, in connection with ABC's four new specialized radio networks. Although operation of the four networks violated the dual network rule, the Commission nevertheless concluded that waiver of the rule was appropriate because ABC's proposal "merits encouragement as a new and imaginative approach to networking." *Proposal of American Broadcasting Cos., Inc. to Establish Four New Specialized "American Radio Networks,"* 11 FCC 2d 163, 168 (1967). The Commission explained that it was "of more than usual

¹¹ Pending its review of the finsyn rule, the Commission granted Fox's request for a limited waiver of the rule. *Fox Broadcasting Co.*, 5 FCC Rcd at 3211 (1990). As Commissioner Duggan explained, "Fox has been a bright and innovative force. The existence of a fourth network is certainly in the public interest. . . . Fox deserves to be encouraged." *Broadcasting & Cable*, May 7, 1990, ed., p. 28; accord, *Application of Fox Television Stations, Inc. for Renewal of License of Station WNYW-TV, New York, New York*, 10 FCC Rcd 8492, 8528-29 (1995) (Commissioner Quello stating in his concurring statement, "I believe . . . that the creation of the fourth network was a compelling public interest goal."). Similarly, in deciding to phase out the finsyn rule entirely in 1995, the Commission evaluated the rule's impact on "[t]he overall business practices of emerging networks, such as Fox, in the network television and syndication business . . . [and t]he growth of additional networks, including the development of Fox and its position vis-à-vis the three major networks." *Evaluation of Syndication and Financial Interest Rules*, 10 FCC Rcd 12165, 12166 (1995).

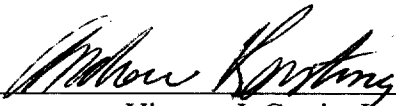
importance to encourage to the extent possible innovation and experimentation in the operation of networks." *Id.* at 165.

As these examples illustrate, the Commission has remained steadfast in its commitment to the goal of encouraging new networks. Indeed, the Commission has consistently concluded for more than fifty years that the development of new networks -- with the accompanying diversity of viewpoint that they bring -- serves the public interest. In order for emerging networks to survive, however, it is imperative that they be afforded the opportunity to compete for additional local affiliates. The requested change in the DTV Table of Allotments will help facilitate the Commission's longstanding interest in promoting the emergence of new networks by providing an additional broadcast station with which to affiliate in the Louisville market.

WHEREFORE, in light of the foregoing, Fant Broadcast Development, L.L.C., respectfully requests that the Commission GRANT reconsideration of its *MO&O* by substituting DTV Channel 50 for the existing DTV Channel 49 allotment at Louisville, Kentucky, and thereby protect the proposed NTSC allotment of Channel 49 at New Albany, Indiana, as well as Fant's pending application for that facility.

Respectfully submitted,

FANT BROADCAST DEVELOPMENT, L.L.C.

By: 
Vincent J. Curtis, Jr.
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 N. Seventeenth Street, 11th Floor
Arlington, Virginia 22209
(703) 812-0400

April 20, 1998
c:\ask...wb\rm\newalban.pet

Engineering Statement
New Albany, IN Channel 49
Wes, Inc. Broadcast Consultants

The program used to demonstrate interference and service replication percentages in this study was the OET FLR program, OET Bulletin 69, running on our own Sun Microsystems computers. These computers have been verified to give identical results to the runs generated by OET. The spacing programs are our own proprietary programs utilizing the FCC broadcast database and DTV database.

Due to a digital channel Channel 49 being assigned to Louisville, KY 46.6km away, a study was conducted to propose moving the digital channel 49 to channel 50. The study showed that it would receive a 99.7% match and would cause negligible interference to any digital or NTSC stations (less than 0.2%).

 4/17/88

Pete E Myrl Warren, III Date
Whose qualifications are a matter of
record with the Commission

Study with Louisville moved to DTV Channel 50

Run begins Thu Apr 16 13:11:42 1998, host providence

Analysis of: 41N KY LOUISVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1460958	26174.1
not affected by terrain losses	1446864	25165.4
lost to NTSC IX	51595	1287.1
lost to additional IX by ATV	15458	1117.7
lost to all IX	67053	2404.8

Analysis of: 50A KY LOUISVILLE

HAAT 391.0 m, ATV ERP 252.2 kW, direction 135.0 degrees T, F/B = 0.6 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1460958	26174.1
not affected by terrain losses	1453433	25653.6
lost to NTSC IX	1826	133.2
lost to additional IX by ATV	15169	625.4
lost to ATV IX only	16352	726.3
lost to all IX	16995	758.6
percent match ATV/NTSC	99.7	98.5

Analysis of: 50N TN HENDERSONVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1011900	12466.7
not affected by terrain losses	977676	11784.1
lost to NTSC IX	13261	167.7
lost to additional IX by ATV	18833	550.9
lost to all IX	32094	718.5

Analysis of: 51A TN HENDERSONVILLE

HAAT 235.0 m, ATV ERP 140.6 kW, direction 220.0 degrees T, F/B = 18.9 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1011900	12466.7
not affected by terrain losses	1000316	11987.7
lost to NTSC IX	3018	24.0
lost to additional IX by ATV	1026	63.9
lost to ATV IX only	3507	67.9
lost to all IX	4044	87.8
percent match ATV/NTSC	99.9	99.6

Analysis of: 51N IL CHARLESTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	70534	2800.9
not affected by terrain losses	70534	2800.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Analysis of: 50A IL CHARLESTON

HAAT 70.0 m, ATV ERP 50.0 kW, direction 180.0 degrees T, F/B = 0.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	70534	2800.9
not affected by terrain losses	70534	2800.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0
percent match ATV/NTSC	100.0	100.0

Analysis of: 49N KY PADUCAH

	POPULATION	AREA (sq km)
within Noise Limited Contour	436025	15183.2
not affected by terrain losses	434762	14880.5

lost to NTSC IX	0	0.0
lost to additional IX by ATV	329	20.2
lost to all IX	329	20.2

Analysis of: 50A KY PADUCAH

HAAT 327.0 m, ATV ERP 68.2 kW, direction 140.0 degrees T, F/B = 11.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	436025	15183.2
not affected by terrain losses	435323	14985.5
lost to NTSC IX	637	92.8
lost to additional IX by ATV	5	4.0
lost to ATV IX only	52	16.1
lost to all IX	642	96.9
percent match ATV/NTSC	100.0	99.8

Analysis of: 2N OH DAYTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	3549657	33806.3
not affected by terrain losses	3452236	32000.7
lost to NTSC IX	403474	8459.6
lost to additional IX by ATV	3947	212.2
lost to all IX	407421	8671.8

Analysis of: 50A OH DAYTON

HAAT 305.0 m, ATV ERP 1000.0 kW, Cap Adj 4.5 dB 315.0 deg T, F/B = 0.7 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	3549657	33806.3
not affected by terrain losses	3478341	32605.2
lost to NTSC IX	53506	880.8
lost to additional IX by ATV	55113	1117.0
lost to ATV IX only	98977	1545.4
lost to all IX	108619	1997.8
percent match ATV/NTSC	99.8	99.5

Finished Thu Apr 16 14:15:05; run time 1:00:37

198440 calls to Longley-Rice; path distance increment 1.00 km

Louisville as it is presently on DTV Channel 49

Run begins Thu Apr 16 12:31:26 1998, host providence

Analysis of: 41N KY LOUISVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1460958	26174.1
not affected by terrain losses	1446864	25165.4
lost to NTSC IX	52437	1323.4
lost to additional IX by ATV	15342	1109.6
lost to all IX	67779	2433.0

Analysis of: 49A KY LOUISVILLE

HAAT 391.0 m, ATV ERP 247.8 kW, direction 135.0 degrees T, F/B = 0.6 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1460958	26174.1
not affected by terrain losses	1453534	25665.7
lost to NTSC IX	3209	201.7
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	3209	201.7
percent match ATV/NTSC	100.0	100.0

Finished Thu Apr 16 12:48:49; run time 0:16:34

49733 calls to Longley-Rice; path distance increment 1.00 km

Study not including Louisville moved to 50

Run begins Thu Apr 16 12:11:37 1998, host gilwell

Analysis of: 50N TN HENDERSONVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1011900	12466.7
not affected by terrain losses	977676	11784.1
lost to NTSC IX	13261	167.7
lost to additional IX by ATV	18432	507.0
lost to all IX	31693	674.6

Analysis of: 51A TN HENDERSONVILLE

HAAT 235.0 m, ATV ERP 140.6 kW, direction 220.0 degrees T, F/B = 18.9 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1011900	12466.7
not affected by terrain losses	1000316	11987.7
lost to NTSC IX	3018	24.0
lost to additional IX by ATV	1026	63.9
lost to ATV IX only	3507	67.9
lost to all IX	4044	87.8
percent match ATV/NTSC	99.9	99.6

Analysis of: 51N IL CHARLESTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	70534	2800.9
not affected by terrain losses	70534	2800.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Analysis of: 50A IL CHARLESTON

HAAT 70.0 m, ATV ERP 50.0 kW, direction 180.0 degrees T, F/B = 0.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	70534	2800.9
not affected by terrain losses	70534	2800.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0
percent match ATV/NTSC	100.0	100.0

Analysis of: 49N KY PADUCAH

	POPULATION	AREA (sq km)
within Noise Limited Contour	436025	15183.2
not affected by terrain losses	434762	14880.5
lost to NTSC IX	0	0.0
lost to additional IX by ATV	450	32.3
lost to all IX	450	32.3

Analysis of: 50A KY PADUCAH

HAAT 327.0 m, ATV ERP 68.2 kW, direction 140.0 degrees T, F/B = 11.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	436025	15183.2
not affected by terrain losses	435323	14985.5
lost to NTSC IX	637	92.8
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	637	92.8
percent match ATV/NTSC	100.0	99.8

Analysis of: 2N OH DAYTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	3549657	33806.3
not affected by terrain losses	3452236	32000.7

lost to NTSC IX	403474	8459.6
lost to additional IX by ATV	3947	212.2
lost to all IX	407421	8671.8

Analysis of: 50A OH DAYTON

HAAT 305.0 m, ATV ERP 1000.0 kW, Cap Adj 4.5 dB 315.0 deg T, F/B = 0.7 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	3549657	33806.3
not affected by terrain losses	3478341	32605.2
lost to NTSC IX	53506	880.8
lost to additional IX by ATV	2544	124.1
lost to ATV IX only	20477	304.3
lost to all IX	56050	1004.9
percent match ATV/NTSC	100.0	99.7

Finished Thu Apr 16 12:57:58; run time 0:39:35

121673 calls to Longley-Rice; path distance increment 1.00 km

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 40
Database file name: c:\tvsrc\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
54+	WCVNTV	3209	COVINGTON	KY	2	L	56.6	139.1	95.7	43.4
32-	WLKYTV	3492	LOUISVILLE	KY	2	L	31.6	2.5	31.4	-28.9
41+	WDRB	3493	LOUISVILLE	KY	2	L	.0	.0	87.7	-87.7
40+	WKNT	3694	BOWLING GREEN	KY	2	L	191.1	148.6	280.8	-132.2
40o	WHMBTV	3711	INDIANAPOLIS	IN	1	L	350.0	174.2	248.6	-74.4
40o	WHMBTV	3712	INDIANAPOLIS	IN	1	A	350.0	174.2	248.6	-74.4
25-	WEHT	3846	EVANSVILLE	IN	1	L	250.8	160.0	119.9	40.1

***** End of channel 40 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 41
Database file name: c:\tvsrc\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
56o	WDKYTV	3177	DANVILLE	KY	2	L	121.0	120.0	119.9	.1
56o	WDKYTV	3178	DANVILLE	KY	2	A	121.0	120.0	119.9	.1
27-	WKYTTV	3180	LEXINGTON	KY	2	L	104.8	131.3	95.7	35.6
48-	WCET	3207	CINCINNATI	OH	1	L	52.8	144.0	95.7	48.3
34-	WGRB	3478	CAMPBELLSVILLE	KY	2	L	160.0	139.6	95.7	43.9
41+	WDRB	3493	LOUISVILLE	KY	2	L	.0	.0	280.8	-280.8
42+	WCLJ	3713	BLOOMINGTON	IN	1	L	347.7	119.8	87.7	32.1
48o	ALLOTM	3852	OWENSBORO	KY	2		240.1	128.4	95.7	32.7
48o	NEW	3866	OWENSBORO	KY	2	A	255.1	137.4	95.7	41.7
48o	NEW	3867	OWENSBORO	KY	2	A	255.1	137.4	95.7	41.7

***** End of channel 41 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 42
Database file name: c:\tvsrc\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
42-	WPBOTV	2940	PORTSMOUTH	OH	1	L	78.4	247.3	248.6	-1.3
56o	WDKYTV	3177	DANVILLE	KY	2	L	121.0	120.0	95.7	24.3
56o	WDKYTV	3178	DANVILLE	KY	2	A	121.0	120.0	95.7	24.3
27-	WKYTTV	3180	LEXINGTON	KY	2	L	104.8	131.3	119.9	11.4
35	WLWT-D	3202	CINCINNATI	OH	1	A	52.8	143.9	95.7	48.2
41+	WDRB	3493	LOUISVILLE	KY	2	L	.0	.0	87.7	-87.7

***** End of channel 42 study *****

Latitude: 38 21 0
Longitude: 85 50 57

***** End of channel 43 study *****

Latitude: 38 21 0
Longitude: 85 50 57

***** End of channel 44 study *****

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
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52+	WKON	3182	OWENTON	KY 2	L	77.5	92.7	95.7	-3.0
45o	WRGTTV	3206	DAYTON	OH 1	L	41.5	205.8	248.6	-42.8
41+	WDRB	3493	LOUISVILLE	KY 2	L	.0	.0	31.4	-31.4
60+	ALLOTM	3496	MADISON	IN 1		43.3	59.2	119.9	-60.7
30-	WTIU	3708	BLOOMINGTON	IN 1	L	327.7	104.4	119.9	-15.5
31-	WKOH	3847	OWENSBORO	KY 2	L	247.3	141.1	95.7	45.4

***** End of channel 45 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY

Latitude: 38 21 0

Channel: 46

Longitude: 85 50 57

Database file name: c:\tvsvr\tv980408.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
46o	WKLE	3176	LEXINGTON	KY 2	L		111.0	143.5	280.8	-137.3
32-	WLKYTV	3492	LOUISVILLE	KY 2	L		31.6	2.5	95.7	-93.2
41+	WDRB	3493	LOUISVILLE	KY 2	L		.0	.0	31.4	-31.4
60+	ALLOTM	3496	MADISON	IN 1			43.3	59.2	95.7	-36.5
46	WTHR-D	3714	INDIANAPOLIS	IN 1	A		350.8	177.6	248.6	-71.0
31-	WKOH	3847	OWENSBORO	KY 2	L		247.3	141.1	119.9	21.2
61+	ALLOTM	3856	OWENSBORO	KY 2			240.1	128.4	119.9	8.5
46+	ALLOTM	3873	PARIS	IL 1			311.8	212.3	248.6	-36.3

***** End of channel 46 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY

Latitude: 38 21 0

Channel: 47

Longitude: 85 50 57

Database file name: c:\tvsvr\tv980408.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
47-	WSBNTV	2696	NORTON	VA 2	L		118.6	327.3	280.8	46.5
62o	ALLOTM	3185	LEXINGTON	KY 2			105.5	123.4	119.9	3.5
62o	NEW	3186	LEXINGTON	KY 2	A		105.6	127.4	119.9	7.5
62o	NEW	3187	LEXINGTON	KY 2	A		110.1	102.2	119.9	-17.7
54+	WCVNTV	3209	COVINGTON	KY 2	L		56.6	139.1	95.7	43.4
32-	WLKYTV	3492	LOUISVILLE	KY 2	L		31.6	2.5	119.9	-117.4
62o	NEW	3497	LEXINGTON	KY 2	A		104.2	61.2	119.9	-58.7
48o	ALLOTM	3852	OWENSBORO	KY 2			240.1	128.4	87.7	40.7
61+	ALLOTM	3856	OWENSBORO	KY 2			240.1	128.4	95.7	32.7
48o	NEW	3866	OWENSBORO	KY 2	A		255.1	137.4	87.7	49.7
48o	NEW	3867	OWENSBORO	KY 2	A		255.1	137.4	87.7	49.7

***** End of channel 47 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 48
Database file name: c:\tvsrc\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
48+	ALLOTM	2904	TAZEWELL	TN	2		135.7	290.2	280.8	9.4
48+	NEW	2905	TAZEWELL	TN	2	A	140.4	283.3	280.8	2.5
48+	NEW	2906	TAZEWELL	TN	2	A	135.9	289.1	280.8	8.3
48+	NEW	2907	TAZEWELL	TN	2	A	140.4	268.3	280.8	-12.5
48+	NEW	2908	TAZEWELL	TN	2	A	135.8	292.0	280.8	11.2
48+	NEW	2909	TAZEWELL	TN	2	A	135.7	290.0	280.8	9.2
48+	NEW	2910	TAZEWELL	TN	2	A	136.8	284.7	280.8	3.9
62o	ALLOTM	3185	LEXINGTON	KY	2		105.5	123.4	95.7	27.7
62o	NEW	3186	LEXINGTON	KY	2	A	105.6	127.4	95.7	31.7
62o	NEW	3187	LEXINGTON	KY	2	A	110.1	102.2	95.7	6.5
48-	WCET	3207	CINCINNATI	OH	1	L	52.8	144.0	248.6	-104.6
34-	WGRB	3478	CAMPBELLSVILLE	KY	2	L	160.0	139.6	95.7	43.9
41+	WDRB	3493	LOUISVILLE	KY	2	L	.0	.0	95.7	-95.7
62o	NEW	3497	LEXINGTON	KY	2	A	104.2	61.2	95.7	-34.5
63+	WIIB	3719	BLOOMINGTON	IN	1	L	347.8	119.8	119.9	-.1
63+	WIIB	3720	BLOOMINGTON	IN	1	A	347.8	119.8	119.9	-.1
48o	ALLOTM	3852	OWENSBORO	KY	2		240.1	128.4	280.8	-152.4
48o	NEW	3866	OWENSBORO	KY	2	A	255.1	137.4	280.8	-143.4
48o	NEW	3867	OWENSBORO	KY	2	A	255.1	137.4	280.8	-143.4

***** End of channel 48 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 49
Database file name: c:\tvsrc\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
56o	WDKYTV	3177	DANVILLE	KY	2	L	121.0	120.0	95.7	24.3
56o	WDKYTV	3178	DANVILLE	KY	2	A	121.0	120.0	95.7	24.3
35	WLWT-D	3202	CINCINNATI	OH	1	A	52.8	143.9	95.7	48.2
64-	WSTRTV	3213	CINCINNATI	OH	1	L	50.2	149.0	119.9	29.1
34-	WGRB	3478	CAMPBELLSVILLE	KY	2	L	160.0	139.6	119.9	19.7
41+	WDRB	3493	LOUISVILLE	KY	2	L	.0	.0	31.4	-31.4
49o	WIPB	3506	MUNCIE	IN	1	L	11.2	205.1	248.6	-43.5
42+	WCLJ	3713	BLOOMINGTON	IN	1	L	347.7	119.8	95.7	24.1
63+	WIIB	3719	BLOOMINGTON	IN	1	L	347.8	119.8	95.7	24.1
63+	WIIB	3720	BLOOMINGTON	IN	1	A	347.8	119.8	95.7	24.1
48o	ALLOTM	3852	OWENSBORO	KY	2		240.1	128.4	87.7	40.7
48o	NEW	3866	OWENSBORO	KY	2	A	255.1	137.4	87.7	49.7
48o	NEW	3867	OWENSBORO	KY	2	A	255.1	137.4	87.7	49.7
49o	WDKA	4083	PADUCAH	KY	2	C	249.6	291.9	280.8	11.1

***** End of channel 49 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 50
Database file name: c:\tvsvr\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
50-	ALLOTM	2724	ASHLAND	KY	2		86.5	280.7	280.8	-.1
50-	NEW	2942	ASHLAND	KY	2	A	78.4	247.3	280.8	-33.5
36o	WTVQTV	3181	LEXINGTON	KY	2	L	105.0	132.2	95.7	36.5
35	WLWT-D	3202	CINCINNATI	OH	1	A	52.8	143.9	119.9	24.0
58+	WFTE	3495	SALEM	IN	1	L	.0	.0	31.4	-31.4
50o	WPGD	3684	HENDERSONVILLE	TN	2	L	195.1	216.3	280.8	-64.5

***** End of channel 50 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: Louieville, KY
Channel: 51
Database file name: c:\tvsvr\tv980408.edx

Latitude: 38 21 0
Longitude: 85 50 57

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
51+	ALLOTM	2709	PIKEVILLE	KY	2		107.5	309.1	280.8	28.3
36o	WTVQTV	3181	LEXINGTON	KY	2	L	105.0	132.2	119.9	12.3
52+	WKON	3182	OWENTON	KY	2	L	77.5	92.7	87.7	5.0
58+	WFTE	3495	SALEM	IN	1	L	.0	.0	95.7	-95.7
51o	ALLOTM	3830	HOPKINSVILLE	KY	2		221.6	219.6	280.8	-61.2
51o	NEW	3831	HOPKINSVILLE	KY	2	A	222.7	213.5	280.8	-67.3
51+	WEIUTV	4098	CHARLESTON	IL	1	L	302.7	237.3	248.6	-11.3

***** End of channel 51 study *****

510 NEW
440 NEW

4451 JACKSON
4466 GREENVILLE

MS 2 A 247.7 16.1 31.4 -15.3
MS 2 C 338.1 149.3 119.9 29.4

***** End of channel 59 study *****

Louisville, KY, Channel 49's site

Computing Tools FCC Database Reports Rev 1.4

Digital TV Stations within 300.000 of 038-21-00 085-50-57

Accuracy and completeness of these results is NOT assured.

St City	channel	latitude	longitude	distance, (km),	bearing (degrees)
KY Danville	4	37-47-18	084-40-49	120.032,	121.29078
KY Beattyville	7	37-36-23	083-41-16	207.062,	113.49107
KY Louisville	8	38-01-59	085-45-16	36.146,	166.72780
IN Indianapolis	9	39-53-25	086-12-20	173.750,	349.78236
OH Cincinnati	10	39-07-31	084-29-57	145.549,	53.75121
TN Nashville	10	36-08-27	086-51-56	261.232,	200.19488
IN Lafayette	11	40-23-20	086-36-46	235.730,	343.79019
KY Hazard	12	37-11-38	083-10-52	267.813,	118.62841
IN Bloomington	14	39-08-32	086-29-43	104.351,	327.43280
KY Somerset	14	37-10-00	084-49-28	159.386,	145.48967
KY Morehead	15	38-10-38	083-24-18	214.770,	95.12313
TN Nashville	15	36-08-27	086-51-56	261.232,	200.19488
IN Indianapolis	16	39-53-39	086-12-19	174.171,	349.81560
KY Bowling Green	16	37-02-10	086-10-20	148.584,	191.05587
KY Hazard	16	37-11-34	083-11-16	267.358,	118.71174
IL Marion	17	37-33-26	089-01-24	292.525,	252.49408
KY Louisville	17	38-22-02	085-49-53	2.464,	39.10520
OH Portsmouth	17	38-45-42	083-03-41	247.263,	79.34989
KY Bowling Green	18	37-03-52	086-26-07	151.755,	199.91233
OH Springfield	18	39-54-33	083-51-36	244.021,	44.81934
IL Olney	19	38-50-18	088-07-46	205.924,	285.26249
KY Campbellsville	19	37-10-05	085-18-32	139.556,	160.05281
KY Madisonville	20	37-24-46	087-31-32	180.477,	234.80338
IL Mount Vernon	21	38-32-39	088-55-26	269.283,	274.59077
IN Indianapolis	21	39-53-59	086-12-01	174.702,	349.99133
KY Morehead	21	38-17-25	083-22-56	215.840,	91.76003
TN Nashville	21	36-15-50	086-47-38	246.202,	199.88810
KY Lexington	22	38-03-56	084-29-13	123.419,	104.82208
TN Jellico	23	36-24-36	084-10-38	261.314,	145.48068
TN Nashville	23	35-55-20	086-42-46	280.144,	195.89749
IN Terre Haute	24	39-14-36	087-23-07	166.264,	306.61626
KY Covington	24	39-01-50	084-30-23	139.126,	57.11142
IN Indianapolis	25	39-53-59	086-12-02	174.706,	349.98358
IL Urbana	26	40-18-42	087-54-48	281.259,	320.74313
KY Ashland	26	38-27-43	082-37-12	282.336,	87.47751
KY Louisville	26	38-22-10	085-50-02	2.538,	31.74440
IN Bloomington	27	39-24-16	086-08-37	119.811,	347.68633
TN Nashville	27	36-02-49	086-49-49	270.025,	198.81906
IN Evansville	28	38-01-27	087-21-43	137.382,	254.73662
OH Oxford	28	39-30-26	084-44-09	160.698,	36.92531
KY Newport	29	39-07-19	084-32-52	141.941,	52.86346
OH Dayton	30	39-43-28	084-15-18	205.750,	42.13288
OH Cincinnati	31	39-06-58	084-30-05	144.800,	54.03250
IN Marion	32	40-08-57	085-56-15	199.886,	357.81375
KY Bowling Green	33	37-03-52	086-26-07	151.755,	199.91233
OH Cincinnati	33	39-12-01	084-31-22	148.981,	50.68681
IL Harrisburg	34	37-36-46	088-52-20	277.915,	252.87655
OH Cincinnati	34	39-07-30	084-31-18	143.958,	53.30077
OH Cincinnati	35	39-07-27	084-31-18	143.903,	53.33046
IN Terre Haute	36	39-14-33	087-23-29	166.636,	306.48169

TN Cookeville	36	36-07-44	085-20-47	250.503,	169.74114
KY Louisville	38	38-22-02	085-49-53	2.464,	39.10520
TN Murfreesboro	38	36-04-54	086-25-57	257.007,	191.62256
IN Richmond	39	39-30-44	084-38-09	166.480,	39.19590
IN Terre Haute	39	39-13-58	087-23-49	166.393,	306.08217
IL Carbondale	40	38-06-15	089-14-37	298.478,	264.75465
KY Lexington	40	38-02-03	084-23-39	132.198,	105.37785
IL Champaign	41	40-04-11	087-54-45	261.171,	316.97117
KY Paducah	41	37-05-38	088-40-19	285.260,	240.74302
OH Dayton	41	39-44-02	084-14-52	206.941,	42.06461
KY Lexington	42	37-52-45	084-19-33	143.451,	111.36513
KY Madisonville	42	37-11-25	087-30-47	195.090,	228.71674
KY Elizabethtown	43	37-40-55	085-50-32	74.153,	179.52880
OH Portsmouth	43	38-45-42	083-03-41	247.263,	79.34989
IN Indianapolis	44	39-50-25	086-10-34	167.844,	350.29831
KY Owenton	44	38-31-32	084-48-40	92.704,	77.86546
TN Lebanon	44	36-09-13	086-22-46	248.253,	190.92406
IN Evansville	45	37-53-17	087-32-37	157.188,	250.96192
IN Indianapolis	45	39-53-20	086-12-07	173.544,	349.87470
IN Indianapolis	46	39-55-43	086-10-55	177.597,	350.67676
OH Chillicothe	46	39-35-20	083-06-44	274.188,	59.89411
TN Nashville	46	36-02-49	086-49-49	270.025,	198.81906
KY Louisville	47	38-27-23	085-25-28	38.934,	72.34320
IL Champaign	48	40-06-23	088-26-59	297.401,	310.96884
KY Bowling Green	48	37-05-22	086-38-05	156.113,	206.33757
KY Louisville	49	38-21-00	085-50-57	0.000,	0.00000
IL Charleston	50	39-28-43	088-10-21	237.284,	301.87135
KY Paducah	50	37-23-42	088-56-23	291.856,	248.70420
OH Dayton	50	39-43-07	084-15-22	205.210,	42.23544
IN Salem	51	38-21-00	085-50-57	0.000,	0.00000
KY Harlan	51	36-48-00	083-22-36	278.029,	128.22427
OH Dayton	51	39-43-15	084-15-39	205.117,	42.10411
TN Hendersonville	51	36-28-02	086-28-53	216.323,	194.99601
IN Muncie	52	40-09-38	085-22-42	205.072,	11.43041
IN Vincennes	52	38-39-06	087-28-37	145.892,	283.26917
TN Cookeville	52	36-10-26	085-20-37	245.633,	169.48020
IN Bloomington	53	39-24-27	086-08-52	120.220,	347.55271
IN Evansville	54	38-01-27	087-21-43	137.382,	254.73662
IN Kokomo	54	40-20-20	085-57-15	220.992,	357.65253
KY Louisville	55	38-21-23	085-50-52	0.719,	9.71446
IN Bloomington	56	39-24-12	086-08-50	119.758,	347.52718
TN Nashville	56	36-16-05	086-47-16	245.583,	199.80543
IN Evansville	58	37-53-14	087-31-07	155.149,	250.66564
OH Dayton	58	39-43-16	084-15-00	205.769,	42.29208
IN Evansville	59	37-51-56	087-34-04	160.036,	250.36693
KY Lexington	59	38-02-22	084-24-11	131.288,	105.22199

End of report.

CERTIFICATE OF SERVICE

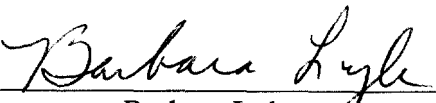
I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 20th day of April, 1998, copies of the foregoing "Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

Roy J. Stewart, Chief*
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

Mr. Bruce A. Franca*
Office of Engineering and Technology
Federal Communications Commission
Room 416
2000 M Street, N.W.
Washington, D.C. 20554

Barbara A. Kreisman, Chief*
Video Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 702
Washington, DC 20554

Station WDRB-TV
Independence TV Co.
One Independence Square
Louisville, KY 40203



Barbara Lyle

* Hand Delivered